

**REMARKS/ARGUMENTS**

These remarks are made in response to the final Office Action of January 28, 2008 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

**Claims Rejections – 35 USC § 103**

In the Office Action, Claims 1, 3-11, and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal, *et al.* (hereinafter O'Neal) in view of U.S. Patent 6,631,186 to Adams, *et al.* (hereinafter Adams), and further in view of U.S. Patent No. 5,436,963 to Fitzpatrick, *et al.* (hereinafter Fitzpatrick) and U.S. Patent 6,697,473 to Batten (hereinafter Batten).

Although Applicants respectfully disagree with the claim rejections, Applicants have amended the claims so as to expedite prosecution of the present application. It is expressly noted, however, that the amendments should not be interpreted as the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1 and 11 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

**Aspects of Applicants Invention**

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention,

typified by independent Claim 1, is a method for facilitating message delivery and conferencing within a communications system having multiple communications channels using multiple media types.

The method can include registering a plurality of reception states that have been established by a receiving party. (See, e.g., Specification, p. 3, lines 3-8, and p. 6, lines 3-5; see also p. 7, line 8 – p. 8, line 4.) Each reception state can specify reception state data defining rules for establishing communications links with receiving party addresses for different categories of messages based on the nature of each message. The reception state data can be used to inform the sending party of a time at which the receiving party prefers to receive delivery of a message in a particular category, as well as the communication channel and the receiving party address through which the receiving party prefers to receive delivery of the message. The nature of each message is determined taking into consideration criteria including the purpose of the message and the identity of the sending party.

The method can include establishing a communication link via one or more communication channels, where at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party is provided. (See, e.g., Specification, p. 7, lines 4-21; p. 8, line 22 – p. 9, line 2; see also p. 9, lines 21-28, and p. 11, lines 11-18.) The method can further include initiating a first communications link by a sending party, identifying a receiving party address from the first initiated communications link, and based upon the identification and a category of the first initialized communications link, determining which reception state data specified by the plurality of reception states to present according to the receiving party address. So determined, the reception state data can then be presented to the sending party via the same communications channel of the first initiated communications link and in a format appropriate for the device establishing the first initiated communications link. The reception state data is presented according to

a context of the communication. (See, e.g., Specification, p. 8, line 22 - p. 9, line 2 and p. 10, line 29 – p. 11, line 10).

The method can still further include interpreting the received reception state data by the sending party, instructing the communications system how to process the first initiated communications link by the sending party, and processing the first initiated communications link based on the instructions from the sending party. (See, e.g., Fig. 3, steps 320, 325, 330, 335 and 340, and Specification, p. 12, line 19 - p. 13, line 1).

The method additionally can include initiating at least one additional communications link from the receiving party or the sending party to a third party; and presenting reception state data associated with the third party to at least one of the sending party or the receiving party. (See, e.g., Specification, p. 11, line 25 - p. 12, line 8).

**The Claims Define Over The Prior Art**

The newly-cited reference Batten describes a system for managing telephone calls to a home. For the most part, Batten describes an answering machine that one would keep in the home. There is no explanation in Batten or in the Office Action as to how one would implement such a home device in a network such as the computer communications/telecommunications network 115 in Fig. 1 and the communication system 375 in Fig. 3 of the instant application. There is also no explanation as to how one would implement Batten's system in the networks of O'Neal, Fitzpatrick, or Adams.

Although Batten mentions in column 5, lines 55-63, that the system can be implemented as a home consumer product or implemented as a value-added service by a telecommunications provider and the system can use Internet capabilities to allow people with Internet services to program logic for personalized service management module maintained by telecommunications provider as a value-added service, there is no explanation anywhere in Batten that indicates how such a system would be implemented

in the network and operated by/for the homeowner user. Without further explanation as to the manner in which Batten's system is deployed in a network such as the ones of the present invention, Adams, O'Neal, and Fitzpatrick, it is not reasonable to assume that it can be done.

It was stated in the second paragraph on page 4 of the Office Action that incorporating Adams into O'Neal concededly does not take into account the purpose of the call and the identity of the sending party, just the identity. However, it was asserted that Batten teaches handling calls based not only on caller identification but also based on whether the call is an emergency call, which is a determination of the purpose of the call.

Batten teaches an exception process for handling emergency calls. Batten implements the emergency call handling by having the caller push a special button on the phone to have the call go through. This is a single specific case of emergency call handling and it does not scale up to cover all the cases covered by the present invention. Applicants believe that it is improper to generalize the single concept from Batten to handle the infinite number of combinations of identity and purpose (i.e., nature) of the messages the present invention handles. Further, adding Batten to Adams and O'Neal still does not teach the handling of alternate channels (Batten's override can only proceed on the same channel) nor does it teach multiple parties conferencing using multiple media types (see "a communications system having multiple communications channels using multiple media types" as recited in Claims 1 and 11).

Further, Batten does not distinguish between different types of emergency situations. For example, page 7, lines 8-10 of the Specification of the instant application describe how to handle personal emergency versus business emergency calls by stating, "For instance, the reception state data 130 can be used to categorize different communications into various classes including personal, emergency personal, emergency business, or any other class specified by the receiving party."

Another aspect of the present invention is that the initiator is the one who ultimately determines how to proceed with the communications. This is contrary to the prior art in which the receiver decides. It was asserted in paragraph 4 on page 6 of the Office Action that O'Neal teaches that completion of the communications or alternate routing is determined by the caller. The "follow me" service was used to illustrate the point. However, it must be noted that "follow me" services merely substitute one telephone number (or a list of telephone numbers) for another. Usually this is to let the caller know that additional charges may be applied if, for example, the "follow me" number is a long distance call. O'Neal, col. 12, lines 24-29 state: "That is, the caller is preferably given the option to decide whether to employ the follow me service by pressing a predefined key in response to instructions or to simply allow the call to be passed to voice mail if unanswered." Clearly, O'Neal does not allow the caller to continue on the same communication channel and link as in the features of the claims of the instant application. For example, if the caller really wants the receiver's phone to ring no matter what, the present invention allows it whereas O'Neal does not. Batten does not make up for this deficiency. Other than Batten's emergency call exception, Batten cannot negotiate an override. The cited prior art does not have provisions for handling special cases dynamically, the reasons for which cases are special being known only to the users.

It was stated in the first paragraph on page 7 of the Office Action that: "Such limitations, in any case, are probably obvious given the prevalence of teleconferencing systems." Applicants would like to point out that the present invention concerns multiple parties conferencing with multiple media types and that the instant application was filed on 02/25/2002. While teleconferencing existed at that time, conferencing using multiple channels with the negotiated message delivery certainly did not.

Applicants note that four references were combined without considering the networking infrastructure required to support each one. The most recent addition of Batten, for example, describes a system used to manage telephone calls to one's home.

The present invention allows for Instant Messaging to be one of the channels for communication (see, e.g., Specification, page 9, lines 14 and 19). Instant Messaging, as well known, requires each user to have client software that connects to an instant message server that maintains the connection between them in real time. One could not use Batten's system that manages telephone calls to manage instant messaging.

Applicants further believe that the cited prior art does not teach the following features of the claimed invention:

- The cited prior art does not disclose "wherein said reception state data is presented in a form compatible with a device of the sending party making the first initiated communications link" as recited in Claims 1 and 11. It is described on page 10, lines 1-7 of the Specification: "Accordingly, in step 225, the reception state data can be presented to the sending party. The manner in which the reception state data can be presented to the sending party can vary according to the particular communication channel of the initiated communication. For example, if the sending party is attempting to call the receiving party, the reception state data can be presented as a series of voice prompts and/or menu selections. Similarly, a return facsimile transmission or electronic mail can be sent to the sending party including at least a portion of the reception state data." The cited prior art does not return reception state data transformed according to the sending party's communication channel.
- The cited prior art does not disclose "wherein said reception state data is presented according to a context of the communication" as recited in amended Claims 1 and 11. The claimed invention tailors the information in the (see, e.g., Specification, page 10, line 29 - page 11, line 10) "...reception state data presented to the sending party according to the context of the communication. For example, a business contact calling from an office to

the receiving party's office need not be presented with information stating that the receiving party has chosen not to receive business calls at home. Similarly, family members calling a receiving party at home need not be notified that the receiving party prefers not to accept personal calls at work except for emergency cases. Thus, the portions of reception state data presented to sending parties can be determined based upon contextual information concerning the initiated communication such as the time of the communication, the communication channel over which the communication is initiated, the sending and receiving party addresses, and the class of the communication." The cited prior art does not teach tailoring the information in the reception state data.

- The cited prior art does not teach using an intelligent agent (see, e.g., Specification, page 8, lines 8-11: "Alternatively, an agent 120, as is well known in the art for gathering information within the computer communications networks, can gather the reception state data 130 from a receiving device such as a computer system and provide the reception state data to the server 125."). This feature is now recited in the newly added Claim 21.

- The cited prior art does not teach multi-party communication environments as described in Specification, page 11, line 25 - page 12, line 8: "The present invention further can be used in multi-party communication environments. For example, the present invention can detect initiated communications links between additional sending parties and the receiving party. Thus, in cases where third party callers initiate a call to a receiving party already engaged in an ongoing telephone call with a sending party, for instance where the third party is to be conferenced into an existing call or interrupts an ongoing call using a call waiting feature, the reception state

data associated with the receiving party can be presented to the third party callers. Similarly, a sending party or a receiving party, despite being engaged in an ongoing telephone call, can initiate an outbound call to one or more third parties in an attempt to conference the third parties into the existing telephone call between the sending and receiving parties. In that case, the initiating party, whether the sending or receiving party, can be presented with the reception state data associated with the third party." This feature is recited in Claims 10 and 20.

- The cited prior art also does not teach the feature of the present invention where the system provides information to the receiving party informing the receiving party of the sending party's decision to proceed ("instructing the communications system how to process said first initiated communications link by the sending party" as recited in Claims 1 and 11). See, Specification, page 13, lines 2-12: "In one aspect of the invention, rather than transmitting Party A's actual message, the communications system 375 can transmit a notification to Party B. In that case, the notification can specify information relating to Party B's decision regarding how to proceed with the communication. For example, the notification can specify that Party A wished to contact Party B despite having been notified that Party B does not wish to engage in a particular type of communication. Alternatively, the notification can specify that Party A, who may be classified as a business contact for example, is calling regarding personal matters, and thus, wishes to proceed with contacting Party B. Those skilled in the art, however, will recognize that the notification can include any information from Party A which would inform Party B of Party A's decision to continue transmitting the message. Accordingly, the notification can be transmitted to Party B."

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1 and 11, as amended. Applicants therefore respectfully submit that amended Claims 1 and 11 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 or 11 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claims rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: April 28, 2008

/Richard A. Hinson/  
Gregory A. Nelson, Registration No. 30,577  
Richard A. Hinson, Registration No. 47,652  
Yonghong Chen, Registration No. 56,150  
AKERMAN SENTERFITT  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000